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Regulations

TITLE 10—ARMY: WAR DEPARTMENT

Chapter X—Areas Restricted for National Defense Purposes

[Public Proclamation WD 1]

PART 103—WAR RELOCATION PROJECTS

RELOCATION CENTERS, ARKANSAS, COLORADO AND WYOMING

AUGUST 13, 1942.

TG: The people within the States of Arkansas, Colorado and Wyoming, and the Public Generally:

Whereas by Executive Order No. 9066, dated February 19, 1942, the President of the United States authorized and directed the Secretary of War, whenever he deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he may determine, from which any or all persons may be excluded, and with respect to which the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War may impose in his discretion; and

Whereas the United States has been subjected to attacks and attempted invasion by the armed forces of nations with which the United States is now at war, and in connection therewith, is subject to espionage and acts of sabotage, thereby requiring the adoption of military measures necessary to establish safeguards against such enemy operations emanating from within as well as from without the national boundaries; and

Whereas the present situation requires as a matter of military necessity that persons of Japanese ancestry who have been evacuated from certain regions of the United States shall be removed to Relocation Centers for their relocation, maintenance and supervision in War Relocation Projects and further requires the promulgation of appropriate restrictions regulating and controlling the rights of

all such persons of Japanese ancestry, both alien and non-alien, so evacuated to such Relocation Centers, and of all other persons to enter, remain in, or leave such areas;

Now, therefore, I, Henry L. Stimson, Secretary of War, by virtue of the authority vested in me by the President of the United States, and my powers and prerogatives as Secretary of War, do hereby declare that:

§ 103.1 *Relocation centers; Arkansas, Colorado, and Wyoming.* (a) Pursuant to the determination of military necessity hereinbefore set out, all the territory within the established boundaries of Heart Mountain Relocation Project, approximately twelve miles northeast of Cody, Wyoming; Granada Relocation Project, approximately two miles southwest of Granada, Colorado; Jerome Relocation Project, approximately one mile northeast of Jerome, Arkansas; and Rohwer Relocation Project, adjacent to and west of Rohwer, Arkansas, are hereby established as Military Areas, and are designated as War Relocation Project Areas.

(b) All persons of Japanese ancestry and all members of their families, both alien and non-alien, who now or shall hereafter be or reside, pursuant to orders and instructions of the Secretary of War, or pursuant to the orders or instructions of the Commanding General, Western Defense Command and Fourth Army, or otherwise, within the bounds of any of said War Relocation Project Areas are required to remain within the bounds of said War Relocation Project Areas at all times unless specifically authorized to leave as set forth in paragraph (c) hereof.

(c) Any person of Japanese ancestry and any member of his family, whether alien or non-alien, who shall now or hereafter be or reside within any of said War Relocation Project Areas, before leaving any of said Areas, shall obtain a written authorization executed by or pursuant to the express authority of the Secretary of War or the Director, War

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Relocation Authority, setting forth the effective period of said authorization and the terms and conditions upon and purposes for which it has been granted.

(d) No persons other than the persons of Japanese ancestry and members of

their families described in paragraph (b) hereof, other than military personnel on duty at a given War Relocation Project, and other than persons employed by the War Relocation Authority established by Executive Order No. 9102, dated March 18, 1942,¹ shall enter any of such War Relocation Project Areas except upon written authorization executed by or pursuant to the express authority of the Secretary of War or the Director, War Relocation Authority, first obtained, which said authorization shall set forth the effective period thereof and the terms and conditions upon and purposes for which it has been granted.

(e) Failure of persons subject to the provisions of this Public Proclamation No. WD 1 to conform to the terms and provisions thereof shall subject such persons to the penalties provided by Public Law No. 503, 77th Congress approved March 21, 1942, entitled "An Act to Provide a penalty for Violation of Restrictions or Orders with Respect to Persons Entering, Remaining in, Leaving, or Committing any Act in Military Areas or Zones".

HENRY L. STIMSON,
Secretary of War.

[F. R. Doc. 42-8094; Filed, August 19, 1942; 11:11 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Board of Governors of the Federal Reserve System

PART 204—RESERVES OF MEMBER BANKS

MISCELLANEOUS AMENDMENTS

On August 18, 1942, the Board of Governors of the Federal Reserve System amended § 204.5 [Supplement to Regulation D], effective as to each member bank at the opening of business on August 20, 1942, to read as follows:

§ 204.5 *Supplement; reserves required to be maintained by member banks with Federal Reserve banks.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2 (a),¹ the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

6 per cent of its time deposits plus—
14 per cent of its net demand deposits if not in a reserve or central reserve city;
20 per cent of its net demand deposits if in a reserve city, except as to any bank located in an outlying district of a reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain 14 per cent reserves against its net demand deposits;
24 per cent of its net demand deposits if located in a central reserve city, except as to any bank located in an outlying district of a central reserve city or in territory added to

¹ 7 F. R. 5475.
² 7 F. R. 2165.

such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain 14 per cent or 20 per cent reserves against its net demand deposits.

Section 204.5 of this part which was previously issued is hereby revoked and superseded.

(Sec. 11 (c), (e), (1), 38 Stat. 262, sec. 10, 40 Stat. 239, sec. 4, 40 Stat. 970, sec. 207, 49 Stat. 706, sec. 324, 49 Stat. 714, Public No. 656, 77th Congress; 12 U.S.C. 248 (c), (e), (1), 462, 466, 12 U.S.C., Sup., 462b, 461, 462a1, 465)

[SEAL] BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM.
R. S. CARPENTER,
Assistant Secretary.

[F. R. Doc. 42-8101; Filed, August 19, 1942; 11:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes [T.D. 5166]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

MISCELLANEOUS AMENDMENTS

Amending §§ 19.23 (a)-1 and 19.24-2 of Regulations 103.

Regulations 103 (Part 19, Title 26, Code of Federal Regulations, 1940 Supp.) are amended as follows:

PARAGRAPH 1. The seventh sentence of § 19.23 (a)-1 reading in part as follows:

* * * Among the items included in business expenses are management expenses, commissions, labor, supplies, * * *

is amended by inserting "(but see § 19.24-2)" immediately after "commissions."

PAR. 2. The seventh sentence of § 19.24-2 reading as follows:

* * * Commissions paid in selling securities, when such commissions are not an ordinary and necessary business expense, are an offset against the selling price.

is amended to read as follows:

* * * Commissions paid in selling securities are an offset against the selling price, except that in the case of dealers in securities such commissions may be treated as an ordinary and necessary business expense.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32, 26 U.S.C., 1940 ed., 62))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: August 17, 1942.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-8087; Filed, August 18, 1942; 5:06 p. m.]

[T.D. 5167]

PART 19—INCOME TAX UNDER THE
INTERNAL REVENUE CODETIME EXTENSION FOR FILING CERTAIN
NONTAXABLE RETURNS

Amending Regulations 103, granting extension of time for filing nontaxable returns of—fiduciaries for estates and trusts.

Section 19.53-3 of Regulations 103 (Part 19, Title 26, Code of Federal Regulations, 1940 Supp.) is amended to read as follows:

§ 19.53-3 *Extensions of time in the case of foreign organizations, certain domestic corporations, citizens of United States residing or traveling abroad, and nontaxable returns of fiduciaries for estates or trusts.* (a) An extension of time for filing returns of income for taxable years begun after December 31, 1938, is hereby granted up to and including the 15th day of the sixth month following the close of the taxable year in the case of:

(1) Foreign partnerships regardless of whether they maintain an office or place of business within the United States;

(2) Foreign corporations which maintain an office or place of business within the United States;

(3) Domestic corporations which transact their business and keep their records and books of account abroad;

(4) Domestic corporations whose principal income is from sources within the possessions of the United States; and

(5) American citizens residing or traveling abroad, including persons in military or naval service on duty outside the United States.

In all such cases a statement must be attached to the return showing that the person for whom the return is made is a person described in this paragraph. Taxpayers who take advantage of this extension of time will be charged with interest at the rate of 6 percent per annum on the first installment of tax, if any, from the original due date until paid.

(b) An extension of time for filing nontaxable returns of income for taxable years begun after December 31, 1941, is hereby granted up to and including the 15th day of the fifth month following the close of the taxable year in the cases of fiduciaries for estates or trusts. The extension so granted is not applicable to returns of beneficiaries or other distributees of such estates or trusts.

(Secs. 53 and 62 of the Internal Revenue Code (53 Stat. 32, 33 as amended by 53 Stat. 876, 26 U.S.C. 1940 Ed., 53, 62))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: August 17, 1942.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-8038; Filed, August 18, 1942;
5:08 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter II—Geological Survey

PART 251—ADMINISTRATION OF GOVERNMENT-OWNED PATENT RIGHTS REGARDING
A METHOD AND MEANS FOR EXTINGUISHING
MAGNESIUM INCENDIARY BOMBS¹

AMENDMENTS

Section 251.2 is amended to read as follows:

§ 251.2 *Preliminary considerations to the issuance of licenses.* As it will be necessary, to enable prompt disposition of applications for licenses, to rely largely on the representations made by the applicants, the application papers must be sworn to (or affirmed) before a notary public or other officer authorized to administer oaths. Great care should be taken to insure that every representation or statement made in the application papers, quarterly reports, and other documents filed pursuant to these regulations is exactly true and that every material fact has been fully disclosed since any wilfully false representation or statement or wilful concealment of a material fact will not only warrant the revocation of the license subsequent to its issuance, but will subject the applicant to criminal liability.

Section 251.14 is amended to read as follows:

§ 251.14 *Quarterly reports.* Quarterly reports of operations under the license shall be submitted to the Secretary of the Interior not later than March 15, June 15, September 15, and December 15 of each year. These reports must show the amount or number of units of extinguisher material distributed or marketed and the principal places of such distribution or marketing; the returns received on sales; the gross and net profits realized therefrom; the efforts

¹7 F.R. 5974.

made to cooperate with civilian defense organizations in a constructive manner for the protection of the general public; and any other matters deemed pertinent. A ground sample representative of the product marketed during the period covered by the report should also be furnished.

Recommended for approval: August 8, 1942.

W. C. MENDENHALL,
Director of the Geological Survey.

Approved: August 14, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-8034; Filed, August 18, 1942;
3:53 p. m.]

Chapter III—Bituminous Coal Division

PART 330—MINIMUM PRICE SCHEDULE,
DISTRICT No. 10

[Docket No. A-1559]

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 10.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: August 10, 1942.

[SEAL] E. BOYKIN HARTLEY,
Acting Director.

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT No. 12

[Docket No. A-1499]

ORDER AMENDING RELIEF ORDER

Order correcting order granting temporary relief and conditionally providing for final relief, and providing for additional temporary and conditionally final relief in the matter of the petition of District Board No. 12 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 12.

On July 14, 1942, 7 F.R. 5696, an order was issued in the above-entitled matter granting temporary relief and conditionally providing for final relief.

It appears that the footnote reading "# shipping point at Flagler in Freight Origin Group No. 26 shall no longer be applicable" in "Supplement R" annexed to the order was improperly included.

It further appears that this order granted no relief with respect to the request of the petitioner for a change in the shipping point of the No. 3 Mine (Mine Index No. 75) of the Premium Coal Company, Inc., c/o Glen A. Beebout, for the reason that records of the Division indicated that the code acceptance filed on behalf of this operator was improper.

It now appears that the Premium Coal Company, Inc., is a code member in good standing.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 12
NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

§ 332.2 Alphabetical list of code members—Supplement R

[Listing of code members, mines, mine index numbers and mine origin groups (for delivery by railroad)]

Mine index No.	Code member	Mine	Mine origin group	Originating railroad	Mine origin group No.
76	Premium Coal Co., Inc. c/o Glen A. Beebout.....	#3.....	Knorrville.....	OB&Q.....	33

1 Indicates mines shipping via public sidings and ramps for railway delivery.
2 Shipping point at Flagler in Freight Origin Group No. 26 shall no longer be applicable.
[F. R. Doc. 42-8072; Filed, August 18, 1942; 11:20 a. m.]

No relief is granted herein with respect to the request of District Board No. 10 for establishment of effective minimum prices for the coals of the Black Hawk Mine (Mine Index No. 970) of Maurice Dieu, a code member in District No. 10, for truck shipments, for the reason that it appears that the prices for the coals of Mine Index No. 970 have been established in Price Schedule No. 1 of District No. 10 for truck shipments for Black Hawk Coal Company and Maurice Dieu is a successor of Black Hawk Coal Company in the operation of this mine.

Dated: August 10, 1942.

[SEAL] E. BOYKIN HARTLEY,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

TRUCK SHIPMENTS

§ 330.25 General prices in cents per net ton for shipment into all market areas— Supplement T

Code member index and name	Mine index No.	Mine	Prices and size group Nos.														
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SECTION No. 3 STARK COUNTY																	
Gall, Joseph & John (Joseph Gall).	1530	Gall's Mine.....	0 255	250	245	235	230	225	185	165	160	155	155	155	125	115	60
SECTION No. 4 FULTON COUNTY																	
Leonard & Herriford (Lewis Herriford).	1537	Leonard & Herriford....	5 255	250	245	235	230	225	185	165	160	155	155	155	125	115	60
Liberty Coal Co. (Frank Wolgemuth).	1501	Liberty #2.....	5 255	250	245	235	230	225	185	165	160	155	155	155	125	115	60
PEORIA COUNTY																	
Pankey, J. H.....	1532	Whip-Poor-Will #3.....	5 235	250	245	235	230	225	185	165	160	155	155	155	125	115	60

[F. R. Doc. 42-8073; Filed, August 18, 1942; 11:19 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-77]

KRONKE CO.

Kronke Company of Oakland, California, is a corporation engaged in manufacturing and selling cotton duck and cotton duck products. Between March 1 and April 2, 1942, the company made deliveries of 9,175 yards of cotton duck without specific authorization from the Director of Industry Operations on orders which did not bear a preference rating higher than A-2 in violation of General Preference Order M-91.¹ At least 2,625½ yards of this amount were delivered after the company had full knowledge of the restrictions contained in the order. The company also used a substantial amount of cotton duck in the manufacture of awning stripe in wilful violation of General Preference Order M-91 during the month of March, 1942.

These violations of General Preference Order M-91 have hampered and impeded the war effort of the United States by diverting cotton duck to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered, That:*

§ 1010.77 *Suspension Order S-77.* (a) Kronke Company, its successors and assigns, shall not accept delivery of, deliver, or use in the manufacture of any article any cotton duck as the same is defined in General Preference Order M-91 except as specifically authorized by the Director General for Operations.

(b) Deliveries of material to Kronke Company, its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned or applied to such deliveries to Kronke Company by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) No allocation shall be made to Kronke Company, its successors and assigns, of any material the supply or distribution of which is governed by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(d) Nothing contained in this order shall be deemed to relieve Kronke Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

¹ 7 F.R. 1671, 2596, 4029, 5353.

(e) This order shall take effect on August 23, 1942, and shall expire on November 23, 1942, at which time the restrictions contained in this order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6630; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 69 and 507, 77th Cong.)

Issued this 18th day of August 1942.

ALMORY HOUGHTON,

Director General for Operations.

[F. R. Doc. 42-8079; Filed, August 18, 1942; 2:50 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order No. S-78]

ADDRESSOGRAPH SALES AGENCY OF SAN FRANCISCO, CALIF.

On or about June 8, 1942, C. E. L. Shaw, doing business as Addressograph Sales Agency of San Francisco, California, was awarded a contract for 150,000 metal identification tags from the City of San Francisco. The Addressograph Sales Agency ordered these tags from Larkin Specialty Manufacturing Company which agreed to stamp them out of plated steel sheet then in its possession, deliver them to Standard Plating Works for cleaning and ball burnishing and subsequent delivery to Addressograph Sales Agency for indenting. Approximately 19,000 tags were stamped out prior to June 19, 1942, but only a few thousand of these tags had been ball burnished prior to that date.

Between July 2 and July 8, 1942, Larkin Specialty Manufacturing Company, acting on advice from Addressograph Sales Agency, that the War Production Board had approved the completion of the contract, stamped out approximately 52,000 more tags although this constituted a violation of General Conservation Order M-126¹ which prohibited the processing of steel for the purpose of making identification tags subsequent to June 19, 1942. Most of these tags were delivered to Standard Plating Works for ball burnishing, which also constituted prohibited processing under General Conservation Order M-126. Approximately 48,000 of the tags have been delivered to Addressograph Sales Agency and about 17,000 have been indented. Although Addressograph Sales Agency knew, or had reason to know, that these tags had been stamped out and ball burnished in violation of General Conservation Order M-126, it, nevertheless, accepted delivery thereof. This constituted a wilful violation of General Conservation Order M-126 by Addressograph Sales Agency which violation has hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered:*

§ 1010.78 *Suspension Order No. S-78.* (a) C. E. L. Shaw, doing business as

¹ 7 F.R. 5353, 5358, 5462, 5510, 5902, 6047.

Addressograph Sales Agency, his successors and assigns shall make no deliveries to the City of San Francisco or any other person of any identification tags which were stamped out by Larkin Specialty Manufacturing Company except as specifically authorized by the Director General for Operations. This prohibition shall apply to all of the identification tags whether or not the same have already been indented by C. E. L. Shaw, doing business as Addressograph Sales Agency and whether or not the same were stamped out in violation of Conservation Order M-126.

(b) This order shall take effect immediately and shall continue in effect until revoked. (P.D. Reg. 1, as amended, 6 F.R. 6630; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 69 and 507, 77th Cong.)

Issued this 18th day of August 1942.

ALMORY HOUGHTON,

Director General for Operations.

[F. R. Doc. 42-8039; Filed, August 18, 1942; 2:50 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-79]

CALIFORNIA COTTON MILLS CO.

California Cotton Mills Company of Oakland, California, is engaged in buying and selling cotton duck and processing the same. Between March 1 and March 24, 1942, the Company used more than 15,000 yards of cotton duck in the manufacture of canvas door strips without specific authorization from the Director of Industry Operations to fill orders bearing a preference rating lower than A-2. A substantial amount of this cotton duck was used after the Company had become fully aware of the restrictions contained in General Preference Order M-91.¹ The processing of this cotton duck constituted a wilful violation of General Preference Order M-91 which has hampered and impeded the war effort of the United States by diverting cotton duck to uses unauthorized by the War Production Board.

In view of the foregoing facts, *It is hereby ordered:*

§ 1010.79 *Suspension Order S-79.* (a) California Cotton Mills Company, Oakland, California, its successors and assigns, shall not cut, process, or make deliveries of any cotton duck as the same is defined in General Preference Order M-91 whether or not the cotton duck has been rejected by the Army and Navy of the United States, except as specifically authorized by the Regional Compliance Chief of the San Francisco Regional Office, War Production Board.

(b) Nothing contained in this Order shall be deemed to relieve California Cotton Mills Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director

¹ 7 F.R. 1671, 2596, 4029, 5353.

of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect August 23, 1942, and shall expire on October 23, 1942, at which time the restrictions contained in this order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of August 1942.

AMORY HOUGHTON,

Director General for Operations.

[F. R. Doc. 42-8081; Filed, August 18, 1942; 2:51 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-83]

ELMER H. FARNSWORTH

Elmer H. Farnsworth of Brockton, Massachusetts, operates two service stations, one located at Howard and North Montello Streets, the other at Spring and Pleasant Streets, Brockton, Massachusetts. During the latter part of May, 1942, large quantities of gasoline were delivered to Farnsworth at his Spring and Pleasant Streets station which were then transferred by him from that station to his other station at Howard and North Montello Streets. Prior to the transfer of this gasoline to the Howard and North Montello Streets station, that station had, as Farnsworth knew, already accepted delivery of the monthly quota of motor fuel which it was permitted to receive under Limitation Order L-70.

The acceptance of delivery of motor fuel by Farnsworth at this service station at a time when he knew the service station had already received its monthly quota constituted a wilful violation of Limitation Order L-70 which has hampered and impeded the war effort of the United States.

In view of the foregoing, *It is hereby ordered:*

§ 1010.83 Suspension Order S-83.

(a) Elmer H. Farnsworth and any other person or persons who may now or hereafter occupy the Service Station located at Howard and North Montello Streets, Brockton, Massachusetts, now or recently occupied by said Elmer H. Farnsworth shall not accept delivery at such Service Station of any motor fuel as the same is defined in Limitation Order L-70.

(b) Elmer H. Farnsworth shall not accept delivery at any Service Station now or hereafter owned, operated, or leased by him of any motor fuel as the same is defined in Limitation Order L-70.

(c) No person shall deliver any motor fuel as the same is defined in Limitation Order L-70 to the Service Station lo-

cated at Howard and North Montello Streets, Brockton, Massachusetts, now or recently occupied by Elmer H. Farnsworth or to any Service Station now or hereafter owned, leased, or operated by Elmer H. Farnsworth.

(d) Nothing contained in this Order shall be deemed to relieve Elmer H. Farnsworth from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect August 20, 1942, and shall expire on December 20, 1942, at which time the restrictions contained in this Order shall be of no further effect. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of August 1942.

AMORY HOUGHTON,

Director General for Operations.

[F. R. Doc. 42-8077; Filed, August 18, 1942; 2:50 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-84]

CAPITAL CO.

Capital Company of San Francisco, California, is a real estate company which does construction work for Bank of America National Trust and Savings Association. Capital Company was hired by Bank of America to act as its agent in remodeling two buildings, one located at Vernon, California, the other at Huntington Park, California, into premises suitable for occupancy by branches of Bank of America. The Huntington Park property is owned by Bank of America and the Vernon property is leased by it.

On or about April 20, 1942, with full knowledge of the restrictions contained in Conservation Order L-41,¹ Capital Company, acting as agent for Bank of America, first began construction on these projects by physically incorporating therein materials which were an integral part thereof. This constituted a wilful violation of Conservation Order L-41, which has hampered and impeded the war effort of the United States by diverting scarce materials to users unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered:*

§ 1010.84 Suspension Order S-84. (a)

Neither Capital Company nor Bank of America National Trust and Savings Association nor any other person, shall order, purchase, accept delivery of, withdraw from inventory or in any other manner secure or use material or construction plant in order to continue construction on the properties located at Vernon, California, and Huntington Park, California, on which construction

was begun in violation of Conservation Order L-41. The Vernon property is more specifically described as Lots 52, 53, and 54 of Block 3 corrected map, Adeline Square Tract, Los Angeles, California, and the Huntington Park property is more specifically described as Lots 15, 16, and 17, Block 23, located at the corner of Clarendon and Pacific Streets, Huntington Park, California.

(b) No application for authorization to continue construction on the aforesaid properties located at Vernon, California, and Huntington Park, California, shall be granted by the War Production Board.

(c) This order shall take effect immediately and shall continue in effect until revoked. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of August 1942.

AMORY HOUGHTON,

Director General for Operations.

[F. R. Doc. 42-8082; Filed, August 18, 1942; 2:51 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-74]

DUART MANUFACTURING CO.

Duart Manufacturing Company of San Francisco, California, is engaged in the business of manufacturing permanent wave machines. Subsequent to February 17, 1942, the Company delivered aluminum castings containing approximately 3,517 pounds of aluminum to another company although such deliveries were not in fulfillment of rated purchase orders for essential items. The castings were then fabricated into parts for permanent wave machines and returned to Duart Manufacturing Company which thereupon assembled the parts into finished permanent wave machines and items sold in conjunction therewith. The delivery of these aluminum castings for processing and return to the Company constituted a violation of Supplementary Order M-1-f¹ and the assembling of the aluminum parts into the finished machines constituted a violation of Supplementary Order M-1-e.² Through its violations of these orders the Company was able to manufacture at least 490 permanent wave machines.

These violations of Supplementary Orders M-1-f and M-1-e have impeded and hampered the war effort of the United States by diverting scarce materials to uses unauthorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered, That:*

§ 1010.74 Suspension Order S-74. (a)

Duart Manufacturing Company, its successors and assigns, shall not sell, transfer or otherwise dispose of 490 of the permanent wave machines containing

¹ 7 F.R. 5552, 6419.

² 7 F.R. 2730, 3712, 3774, 4326, 5661.

¹ 7 F.R. 1104, 6519.

² 7 F.R. 639, 6519.

aluminum which are now in its inventory, except as specifically authorized by the Director General for Operations: *Provided, however,* That the Company may deliver or transfer such permanent wave machines for the purpose of storing the same for its own use.

(b) Nothing contained in this order shall be deemed to relieve Duart Manufacturing Company from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect immediately and shall remain in effect until revoked. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 18th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8078; Filed, August 18, 1942;
2:50 p. m.]

PART 1090—AGAVE FIBER

[Amendment 1 to General Preference Order M-84, as amended August 5, 1942]

Section 1090.1 *General Preference Order M-84*, paragraph (c) (4), is hereby amended by substituting for the date "August 19, 1942" appearing in the second sentence thereof, the date "August 31, 1942." (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 19th day of August 1942.

AMORY HOUGHTON,
Director General for Operations.

[F. R. Doc. 42-8093; Filed, August 19, 1942;
10:57 a. m.]

Chapter XI—Office of Price Administration

PART 1341—CANNED AND PRESERVED FOODS

[Maximum Price Regulation 207]

FROZEN FRUITS, BERRIES AND VEGETABLES

In the judgment of the Price Administrator, seasonal conditions and other factors affecting the sale of frozen fruits, berries and vegetables by packers have resulted in the establishment under the General Maximum Price Regulation¹ of maximum prices for such sales which are not generally fair and equitable as applied to the 1942 pack and which are not best calculated to assist in securing adequate production of such commodities. This Maximum Price Regulation

No. 207 is issued by the Price Administrator in order to establish for the packers of frozen fruits, berries and vegetables maximum prices which are fair and equitable and which will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The Price Administrator has ascertained and given due consideration to the prices of frozen fruits, berries and vegetables prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined to be of general applicability. So far as practicable, the Price Administrator has consulted with representatives of the frozen fruit, berries and vegetables industry.

The maximum prices established herein are not below prices which will reflect to the producers of the raw agricultural commodities from which frozen fruits, berries and vegetables are manufactured, a price for their products equal to the highest of any of the following prices therefor determined and published by the Secretary of Agriculture: (1) 110 per centum of the parity price for such commodity, adjusted by the Secretary of Agriculture for grade, location and seasonal differentials; (2) the market price prevailing for such commodity on October 1, 1941; (3) the market price prevailing for such commodity on December 15, 1941; or (4) the average price for such commodity during the period July 1, 1919 to June 30, 1929.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, Maximum Price Regulation No. 207 is hereby issued.

AUTHORITY: §§ 1341.201 to 1341.214, inclusive, issued under Pub. Law 421, 77th Cong.

§ 1341.201. *Prohibition against dealing in frozen fruits, berries and vegetables above maximum prices.* (a) On and after August 24, 1942, regardless of any contract or other obligation, no packer shall sell or deliver any frozen fruits, berries or vegetables packed after the 1941 pack at a price higher than the maximum prices established pursuant to this Maximum Price Regulation No. 207.

(b) No person in the course of trade or business shall buy or receive any frozen fruits, berries or vegetables from a packer at a price higher than the maximum price established by this Maximum Price Regulation No. 207; and

(c) No packer or other person shall agree, offer, solicit or attempt to do any of the foregoing.

§ 1341.202. *Packer's maximum prices for frozen fruits, berries and vegetables.* (a) The packer's maximum price per dozen or other unit f. o. b. factory for each kind, grade and container size of frozen fruits, berries and vegetables packed after the 1941 pack shall be:

*Copies may be obtained from the Office of Price Administration.

(1) The weighted average price per dozen or other unit f. o. b. factory charged by the packer for such kind, grade and container size during the first 60 days after the beginning of the 1941 pack, revised to reflect no more than seven months' storage in the case of quick-frozen fruits, berries and vegetables and no more than thirty days' storage in the case of cold-packed fruits, berries and vegetables; plus

(2) Twelve per cent of such revised weighted average price per dozen or other unit f. o. b. factory, as determined under paragraph (a) (1) of this section; plus

(3) The actual increase per dozen or other unit in the cost of the raw agricultural commodity delivered at the factory in 1942 over the cost of the same raw agricultural commodity delivered at the factory for the 1941 pack, except as hereinafter limited in paragraph (b) (2) of this section.

(b) In determining the packer's maximum price:

(1) The "weighted average price" shall be the total gross sales dollars charged for each kind, grade and container size, divided by the number of units sold of such kind, grade and container size. All sales made in the regular course of business during the first 60 days after the beginning of the 1941 pack shall be included, except sales made to the armed forces of the United States.

(2) The "actual increase in the cost of the raw agricultural commodity" shall be:

(i) The difference per dozen or other unit of each kind, grade and container size between (a) the weighted average cost per unit to the packer of the raw agricultural commodity purchased for the 1941 pack, computed by dividing the total amount paid by the number of units purchased, and (b) the weighted average of the prices per unit, paid or contracted to be paid by the packer to the grower for the same raw agricultural commodity in 1942, based on not less than the first 75 per cent of his 1942 purchases: *Provided*, That in the case of strawberries any packer who in 1942 purchased his strawberries at less than eight cents per pound may include in the 1942 cost of such strawberries any amount per pound subsequently paid by him to the grower which when added to the amount already paid does not exceed the sum of eight cents per pound.

(ii) But in no case to exceed: (a) For all fruits, the following maximum amounts:

Raw Agricultural Commodity:	Maximum permitted increase (per ton)
Apples.....	(1)
Apricots.....	8.13
Cherries, red sour pitted.....	50
Cherries, sweet.....	55
Grapes.....	14
Peaches, freestone (including freestone nectarines).....	15
Pears.....	15
Plums.....	2
Prunes.....	13

¹To be announced.

¹7 F.R. 6144.

²7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6058.

(b) For all berries, except strawberries, the amount of three cents per pound.

(c) For strawberries, the difference between the weighted average cost per pound delivered at the packing plant in 1941 and eight cents per pound.

(d) For all vegetables, the difference between the weighted average cost per ton of raw material delivered at the packing plant in 1941 and the weighted average cost per ton delivered at the packing plant in 1942 of at least 75 per cent of the packer's 1942 raw material requirements, but excluding from such weighted average costs in 1942 any raw material costs incurred on or after July 6, 1942, in excess of the market prices of such raw material delivered at the packing plant prevailing on the respective dates on which such raw material was contracted for.

(iii) The actual increase per dozen or other unit which any cooperative packer is entitled to recognize hereunder shall be the actual increase which the most closely competitive non-cooperative packer is entitled to recognize for the same kind, grade and container size.

(iv) In converting the increased cost of the raw agricultural commodity into increased cost per dozen or other unit for each grade and container size, the increase shall be allocated to each grade and container size in the same proportion as costs of raw materials in 1941 were allocated to each grade and container size.

(v) The actual increase per dozen or other unit in the cost of the raw agricultural commodity shall not be computed until the packer has purchased 75 per cent or more of his 1942 requirements. Such increase, as determined hereunder by a packer, shall be deemed to be his actual increase and shall not be subject to adjustment thereafter for later fluctuations in the cost of the raw agricultural commodity.

(c) If the maximum price for any kind, grade and container size of any frozen fruits, berries or vegetables cannot be determined under paragraphs (a) and (b) of this section, the packer's maximum price for such kind, grade and container size shall be the maximum price of the most closely competitive packer.

(d) If the packer's maximum price cannot be determined under paragraphs (a), (b), or (c) of this section, the maximum price shall be a price determined by the packer after specific authorization from the Office of Price Administration, Washington, D. C., on application setting forth (1) a description in detail of the kind, grade and container size of the frozen fruits, berries or vegetables for which a maximum price is sought; and (2) a statement of the facts which differentiate such kind, grade and container size of frozen fruits, berries or vegetables from the most similar kind, grade and container size for which he has determined a maximum price, stating such most similar kind, grade and container size and the maximum price determined therefor. When such authorization is given, it will be accompanied by instruc-

tions as to the method for determining the maximum price. Within ten days after such price has been determined, the packer shall report the price to the Office of Price Administration, Washington, D. C., under oath or affirmation. The price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(e) Any packer who believes that the maximum prices determined pursuant to the provisions of this section are such that they subject him to hardship with respect to any particular brand of frozen fruits, berries or vegetables, may apply to the Office of Price Administration, Washington, D. C., for authorization to compute his maximum prices hereunder separately for such brand. Such application shall set forth, under oath or affirmation, (1) the maximum prices which would be established under this section for each kind, grade and container size of such brand if such prices for such brand were computed separately under the foregoing paragraphs of this section, (2) the number of years in which the packer has packed under such particular brand, (3) the amount of each kind, grade and container size of that particular brand packed by him during the 1941 pack, (4) the amount of the same kind, grade and container size packed by him during the 1941 pack which was not packed under such brand, (5) the extent to which the brand in question was used and advertised during the year 1941, (6) the price relationship between the particular brand in question and his other brands or unbranded frozen fruits, berries and vegetables of the 1941 pack, (7) the number of brands, other than the particular brand in question under which the packer packed the same kind of frozen fruits, berries or vegetables in 1941, and (8) such other facts as the packer may deem relevant.

(f) The maximum price for each kind grade and container size for a packer who owns more than one factory shall be determined separately for each factory, except that if any group of two or more factories located in the same growing or packing area had the same f. o. b. factory prices in 1941, the maximum prices shall be determined uniformly for the entire group by using the combined figures for all of the factories in the group in computing the maximum price under paragraphs (a) and (b) of this section, or if that cannot be determined, by using the price of the most closely competitive packer, under paragraph (c) of this section, as the maximum price of the entire group. In applying for the specific authorization of a price under paragraph (d) of this section, the application may be made for a uniform maximum price for all of the factories in such group.

(g) Any packer who sold and delivered a particular brand of frozen fruits, berries or vegetables packed by him during the calendar year 1941 on an established uniform delivered price basis by zone or area, may add to the maximum price per dozen f. o. b. factory computed under the foregoing paragraphs of this section

for each grade and container size of such brand of frozen fruits, berries or vegetables, the freight charge he added to his f. o. b. factory price during the calendar year 1941, for such grade and container size of such brand of frozen fruits, berries or vegetables in the same zone or area. The resulting price shall be the packer's maximum delivered price for such grade and container size of such brand of frozen fruits, berries or vegetables for the zone or area in which the same freight factor was used in 1941.

(h) No packer shall change his customary allowances, discounts or other price differentials, including price differentials between different classes of purchasers and price differentials between brands, except when authorized to compute brand differentials pursuant to paragraph (e) of this section, unless such change results in a lower price.

§ 1341.203 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 207 may be charged, demanded, paid or offered.

§ 1341.204 *Transfer of business or stock in trade.* If the business, assets or stock in trade of a packer are sold or otherwise transferred on or after August 24, 1942, and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this Maximum Price Regulation No. 207.

§ 1341.205 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 207 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to frozen fruits, berries or vegetables, alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying, agreement or other trade understanding, or otherwise.

§ 1341.206 *Records and reports.* Every packer who makes sales of frozen fruits, berries or vegetables packed after the 1941 pack, shall (a) preserve for examination by the Office of Price Administration for a period of two years all his existing records which were the basis for the computations required by § 1341.202, and (b) preserve for the same period all records of the same kind as he has customarily kept, relating to the prices which he charged for frozen fruits, berries or vegetables sold on and after August 24, 1942, and (c) file with the Office of Price Administration, Wash-

ington, D. C., within 10 days after determining his maximum prices for each kind of frozen fruits, berries or vegetables, a statement certified under oath or affirmation showing his weighted average price and his increase in the cost of the raw agricultural commodity, as determined under § 1341.202 hereof, together with the maximum price determined hereunder for each grade and container size of such kind of frozen fruits, berries or vegetables and all his customary allowances and discounts, and (d) in those cases in which the maximum price of any kind, grade and container size of frozen fruits, berries or vegetables was determined by the maximum price of the most closely competitive packer, showing the maximum price of such kind, grade and container size and the name and address of the packer whose maximum price was so adopted, and (e) in those cases in which a packer made sales and deliveries of a particular brand of frozen fruits, berries or vegetables packed by him in 1941 on an established uniform delivered price basis by zone or area, showing his maximum price per dozen f. o. b. factory for each grade and size of such brand of frozen fruits, berries or vegetables, the freight charge which he added to his f. o. b. factory price during the calendar year 1941 for each zone or area and the maximum delivered price for each kind, grade and container size of frozen fruits, berries or vegetables packed after the 1941 pack delivered in each zone or area, and (f) preserve for a period of two years a true copy of each such statement filed with the Office of Price Administration for examination by any person during ordinary business hours. Any packer who claims that substantial injury would result to him from making any such statement available to any other person, may file such copy of such statement with the appropriate field office of the Office of Price Administration. The information contained in such statement will not be published or disclosed unless it is determined that the withholding of such information is contrary to the purposes of this Maximum Price Regulation No. 207.

§ 1341.207 *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 207, are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided by the Emergency Price Control Act of 1942.

§ 1341.208 *Petitions for amendment.* Persons seeking a modification of this Maximum Price Regulation No. 207 may file a petition therefor in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1341.209 *Applicability.* The provisions of this Maximum Price Regulation No. 207 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1341.210 *Definitions.* (a) When used in this Maximum Price Regulation No. 207 the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successors or representatives of any of the foregoing and includes the United States, any agency thereof, any other Government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Packer" means a person who freezes and packs, either as a quick freezer or as a cold packer, any of the products defined herein as frozen fruits, berries and vegetables.

(3) "Frozen fruits, berries and vegetables" means any fruits, berries or vegetables which have been frozen and packed.

(4) "1941 pack" of any frozen fruits, berries or vegetables shall be that pack the major portion of which was frozen and packed during the calendar year 1941.

(5) "The most closely competitive packer" means the packer who:

(i) Sells to the same class of buyers, (ii) Packs the same or similar quality range of the product in question,

(iii) Has sold in the past the same kind of frozen fruits, berries or vegetables at approximately the same prices as the packer establishing a maximum,

(iv) Has used the same general merchandising methods, and

(v) Is located in the same general growing and packing area, or if there is no such packer in the same general growing and packing area, is located in the nearest growing and packing area.

(6) "Kind", when referring to any frozen fruits, berries or vegetables, also refers to the style of the pack of such frozen fruits, berries or vegetables.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1341.211 *Export sales.* The maximum price at which a person may export frozen fruits, berries and vegetables shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation¹ issued by the Office of Price Administration.

§ 1341.212 *Sales of frozen strawberries before effective date.* In any case in which a packer has sold before August 24, 1942, any frozen strawberries which were packed after the 1941 pack, such packer is hereby authorized to receive further payments from his buyer to the extent that such payments, when added to those already received under the contract of sale, do not exceed the maximum price which would have been established for him by this Maximum Price Regulation No. 207 had sale or delivery occurred after August 24, 1942.

§ 1341.213 *When prices established under § 1341.202 may be charged.* Every packer of frozen fruits, berries and vegetables shall take inventory of his stock of frozen fruits, berries and vegetables as

of August 24, 1942, and shall deduct therefrom all such frozen fruits, berries and vegetables as were packed after the 1941 pack and prior to August 24, 1942. The difference so obtained shall be the quantity which such packer is hereby required to sell subject to maximum prices computed in conformity with the provisions of the General Maximum Price Regulation before he is entitled to sell any frozen fruits, berries and vegetables subject to the maximum prices established under § 1341.202 of this Maximum Price Regulation No. 207.

§ 1341.214 *Effective date.* This Maximum Price Regulation No. 207 (§§ 1341.201 to 1341.214 inclusive) shall become effective August 24, 1942.

Issued this 18th day of August 1942.

LEON HERDERSON,
Administrator.

[F. R. Doc. 42-8035; Filed, August 18, 1942; 4:50 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[Amendment 13 to Rationing Order 2A¹]

NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

Section 1360.331 is amended to read as set forth below:

Restriction of Transfers

§ 1360.331 *Prohibitions.* Notwithstanding the terms of any contract or other commitment, regardless of when made, (a) No person shall make or offer to make, or accept or offer to accept, a transfer of a new passenger automobile except in accordance with the provisions of Rationing Order No. 2A; and

(b) During the period from August 18, 1942 to October 31, 1942, inclusive, no person shall make or offer to make, and no person including a certificate holder shall accept or offer to accept, a transfer of any Ford, Chevrolet or Plymouth, four-door, hardtop, 1942 model passenger automobile which on August 18, 1942 was held for sale or other transfer, had been driven less than 1,000 miles, and had a list price of \$1,000 or less pursuant to Appendix A (§ 1360.61) of Revised Price Schedule No. 85 or any amendment thereto issued by the Office of Price Administration; *Provided, however,* That this section shall not prohibit the transfer of any such automobile to any person specified in § 1360.332 (b) or to any person acquiring such automobile for transfer to a person specified in § 1360.332 (b).

(1) The word "transfer" is broadly defined by these regulations. For example, the term includes not only transfers by sale, lease, or trade of the automobile, but also by gift from one person to another. Unless specifically exempted, all physical transfers involving a change in the actual use of the car are included. Thus, if a partnership gives what has been exclusively a partnership car to one

¹ 7 F.R. 1542, 1647, 1756, 2103, 2242, 2305, 2303, 3037, 3462, 4343, 5484, 6049.

² 7 F.R. 5059.

of the partners for his own use, a transfer has occurred. On the other hand, putting a car in a garage or warehouse, or letting a repairman drive it to his shop, is not a transfer within these regulations.

(2) There are certain specific exemptions from the broad definition of "transfer." Delivery to a railroad or other carrier for shipment, and delivery by such carrier to the consignee, are not included. In this situation, the transfer takes place between the consignor and the consignee.

(3) A lease or loan made in good faith for a week or less is also not included in the word "transfer." This exception allows temporary loans to friends and does not prevent the leasing of new passenger automobiles possessed on January 2, 1942, by concerns which lease automobiles to the public for short periods. The requirement of good faith means that the lease or loan must really be temporary. If a person continually lends a car to the same person for six days of the week and takes it back on Sundays, he has made a loan for less than a week but, since he is clearly attempting to evade the regulations, he has not made the loan in good faith and the transaction is a "transfer."

(4) The term "transfer" does not include a technical transfer of title for security purposes without an accompanying transfer of use. Thus, security transactions, such as conditional sales contracts, bailment leases, or chattel mortgages, do not involve "transfers."

Effective Dates

§ 1360.442 Effective dates of amendment * * *

(m) Amendment No. 13 (§ 1360.331) to Rationing Order No. 2A shall become effective August 18, 1942.

(Pub. Law 421, 77th Cong., W.P.B. Dir. No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 698, 1493)

Issued this 18th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8086; Filed, August 18, 1942;
4:50 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Maximum Price Regulation 150¹ as amended]

MILLED RICE

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 150, as amended, has been issued simultaneously herewith and filed with the Division of the Federal Register.* Sections 1351.451 to 1351.464 inclusive, are amended and renumbered to read as set forth below:

*Copies may be obtained from the Office of Price Administration.

¹7 F.R. 3856, 3901.

Sec.

1351.451	Maximum prices for milled rice.
1351.452	Less than maximum prices.
1351.453	Exempt sales.
1351.454	Conditional agreements.
1351.455	Guarantee.
1351.456	Evasion.
1351.457	Records and reports.
1351.458	Enforcement.
1351.459	Applicability of General Maximum Price Regulation.
1351.460	Petitions for amendment.
1351.461	Definitions.
1351.462	Applicability.
1351.463	Effective dates of amendments.
1351.464	Appendix A: Maximum prices for milled rice.

AUTHORITY: §§ 1351.451 to 1351.464, inclusive issued under Pub. Law 421, 77th Cong.

§ 1351.451 *Maximum prices for milled rice.* On and after June 1, 1942 regardless of any contract, agreement, or other obligation, no rice miller or first seller of milled rice shall sell, offer to sell, or deliver milled rice, and no person shall buy, offer to buy, or accept delivery of milled rice from a rice miller or first seller of milled rice at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1351.464 except as provided for in § 1351.453. The maximum prices shall not be increased by any charges for the extension of credit, and shall include commissions and all other charges, and shall apply to sales made for export.

§ 1351.452 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1351.464) may be charged, demanded, paid or offered.

§ 1351.453 *Exempt sales.* The maximum prices for milled rice established herein and the provisions of § 1351.451 are not applicable to sales of milled rice at retail or to sales of rice in packages of three pounds or less.

§ 1351.454 *Conditional agreements.* No person selling milled rice, which sale is subject to the maximum prices set forth in Appendix A (§ 1351.464), shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices set forth in Appendix A (§ 1351.464) in the event that this Maximum Price Regulation No. 150 is amended or is determined by court to be invalid, or upon any other contingency: *Provided*, That if a petition for amendment (or for adjustment or for exception) has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section, permitting the making of contracts adjustable upon the granting of the petition for amendment (or for adjustment or for exception, as the case may be.) Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception.)

§ 1351.455 *Guarantee.* At or prior to the time of shipment every seller of milled

rice covered by this regulation must furnish the purchaser with an invoice covering the milled rice delivered, specifying clearly the following guarantee for each lot covered by the invoice:

(a) The total *minimum* percentage of whole kernel rice of all varieties.

(b) The variety and *minimum* percentage of whole kernel rice of the predominant variety.

(c) The variety and the *maximum* percentage of whole kernel rice of each other variety.

(d) The variety and the *maximum* percentage of each variety of second head milled rice.

(e) The *maximum* percentage of screenings milled rice.

(f) The *maximum* percentage of brewers milled rice.

The total of (b) and (c) shall equal (a) and the total of (a), (d), (e), and (f) shall equal 100%. Each lot of rice and its corresponding invoice must bear the same lot number or other similar mark of identification.

§ 1351.456 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 150 shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, guarantee, delivery or purchase of, or relating to, milled rice, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1351.457 *Records and reports.* (a) Every person making sales of milled rice, which sales are subject to the maximum prices set forth in Appendix A (§ 1351.464) herein, and every person making purchases of milled rice, which purchases are subject to the maximum prices set forth in Appendix A (§ 1351.464) herein, after May 31, 1942 shall keep for inspection by the Office of Price Administration, for a period of not less than two years, complete and accurate records of each such sale or purchase, showing the date thereof, names and addresses of the buyer and seller, the prices contracted for, or paid, or received, and the variety and amount sold or purchased.

(b) Such sellers and such purchasers shall submit such reports to the Office of Price Administration and keep such other records in addition to, or in place of, the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require or permit.

§ 1351.458 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 150 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 150, or any price schedule, reg-

ulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest Field or Regional Office of the Office of Price Administration, or its principal Office in Washington, D. C.

§ 1351.459 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 150 supersede the provisions of the General Maximum Price Regulation with respect to sales or deliveries of milled rice for which maximum prices are established by this regulation.

§ 1351.460 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 150 or an adjustment or exception not provided for herein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1351.461 *Definitions.* (a) When used in this Maximum Price Regulation No. 150, the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing and includes the United States, an agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly. Nothing in this Maximum Price Regulation No. 150 shall be construed to prohibit the making of a contract to sell milled rice at a price not to exceed the maximum price at the time of delivery or supply.

(3) "First seller of milled rice" means the first person to sell rice after it has been milled.

(4) "Milled rice" means the whole or broken kernels of rice from which the hulls and practically all of the germs and bran layers have been removed, which may be either coated or uncoated, and which does not contain more than 10 percent of cereal grains, including paddy grains, seeds or foreign material either singly or in any combination.

(5) "Second head milled rice", "screenings milled rice" and "brewers milled rice" shall have the meanings given to them by "United States Standards for Milled Rice" as published by the United States Department of Agriculture effective May 15, 1942.

(6) "Sale at retail" means a sale to an ultimate consumer other than an industrial or commercial user or Government agency.

(7) "To deliver" means to transfer actual possession of the milled rice to the purchaser or to any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser:

Provided however, That within the meaning of § 1351.464, the term "delivery" means transfer of actual possession of milled rice to the purchaser at the point of destination as specified in paragraph (d) (4) of § 1351.464.

(8) "Records" includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

§ 1351.462 *Applicability.* The provisions of this Maximum Price Regulation No. 150 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1351.463 *Effective dates of amendments.* (a) This Maximum Price Regulation No. 150, as amended (§§ 1351.451 to 1351.464, inclusive) shall become effective August 19, 1942.

§ 1351.464 *Appendix A: Maximum prices for milled rice—(a) Maximum prices at the base points.* Maximum prices at the base points, Crowley, Louisiana; El Campo, Texas; Stuttgart, Arkansas; Imperial, California; and San Francisco, California for the varieties of milled rice enumerated in the schedule below, apply only to milled rice containing not more than four per cent of broken kernels and not more than one per cent of whole kernels of a variety other than the predominant variety. The maximum prices enumerated for broken rice classes apply to all grades of the specified class. All prices are in dollars per 100 pounds f. o. b. conveyance at base points except that for shipments based on San Francisco for shipment from San Francisco by boat to points outside continental United States prices are f. a. s. vessel:

Varities:	Base point price
Rexoro.....	8.25
Nira.....	8.25
Fortuna.....	7.50
Edith.....	7.00
Calady.....	6.65
Blue Rose.....	6.50
American Pearl.....	6.50
Lady Wright.....	6.50
Zenith.....	6.25
Early Prolific.....	6.20
Broken Rice Classes:	
Second Head	
Rexoro, Nira and Fortuna.....	6.00
Other Varieties.....	5.25
Screening.....	4.50
Brewers.....	4.00

The maximum price per 100 pounds for any lot of milled rice at the base points containing more than four percent of broken kernels or more than one percent of whole kernels of a variety other than the predominant variety shall be computed by adding the results obtained by multiplying the percentage of each variety and/or each broken rice class of milled rice forming a part of the lot, as shown by the guarantee, by the applicable maximum price for each variety of broken rice class as specified in the foregoing table.

Where the milled rice sold is packed in 5 pound, 10 pound, 25 pound or 50 pound bags or containers, the applicable

maximum price per 100 pounds shall be increased by 50 cents, 35 cents, 15 cents or 10 cents respectively.

Where the milled rice sold has been granulated, the applicable maximum price per 100 pounds shall be increased by 10 cents.

(b) *Maximum delivered prices within a base point for rice milled in the same base point.* For deliveries within a base point of rice milled in the same base point, the maximum delivered price shall be the maximum base point price plus the customary local delivery charge per 100 pounds, when actually incurred by the seller: *Provided,* That no local delivery charge may be added until the seller shall have filed with the Office of Price Administration in Washington, D. C., a schedule of such customary local delivery charges.

(c) *Maximum delivered prices within a mill point other than a base point for rice milled in the same mill point.* For deliveries within a mill point other than a base point for rice milled in the same mill point, the maximum delivered price shall be the maximum delivered price computed in the same manner as in paragraph (d) of this section plus the customary local delivery charge per 100 pounds, when actually incurred by the seller: *Provided,* That no local delivery charge may be added until the seller shall have filed with the Office of Price Administration in Washington, D. C., a schedule of such customary local delivery charges.

(d) *All other maximum delivered prices.* (1) For non-export shipments the maximum base point prices enumerated in paragraph (a) of this section may be increased by adding the lowest established charge per 100 pounds available for the transportation of an identical shipment of milled rice from the applicable base point to the point of destination.

(2) For export shipments the maximum delivered prices shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration on July 2, 1942 and any amendments thereto.

(3) For the purpose of determining maximum prices in accordance with the Maximum Export Price Regulation pursuant to the provisions of subparagraph (2) of this paragraph, the maximum domestic prices shall be the maximum base point prices enumerated in paragraph (a) of this section, plus the lowest established charge per 100 pounds for export shipment of milled rice available for the transportation of an identical shipment from the applicable base point to that port to which the lowest established charge per 100 pounds for export shipment of milled rice from such base point applies: *Provided,* That in no event shall the shipping charges from mill to the actual port of exportation be included as part of the shipping charges provided for in the Maximum Export Price Regulation.

(4) In determining the transportation charges pursuant to the provisions of

subparagraphs (1), (2) and (3) of this paragraph, where a shipment originates in a place outside of a base point and actually moves at a carload rate, the maximum transportation charge to be added shall be computed at the lowest railroad carload rate from the applicable base point to the point of destination or the port of exportation. Where coastwise or intercoastal shipments are made by water, the maximum delivered prices may be increased further by the addition of charges for war risk cargo insurance, surcharges and emergency charges necessarily incident to the transportation, where actually incurred by the seller. Within the meaning of this paragraph (d) the applicable base point shall be that base point from which the lowest established rate for transportation of milled rice applies to the seller's mill, and the point of destination shall be f. o. b. conveyance at the dock or siding at or in the vicinity of the buyer's warehouse or place of business or some other point designated by the buyer if the shipment actually moves to such other point directly from the mill point.

(e) *Definitions of "base point" and "mill point".* Within the meaning of this section, the term "base point" shall include the incorporated area and the established switching district of the base point city; and the term "mill point" shall include the incorporated area and the established switching district of any city in which a rice mill is located. A rice mill shall be deemed located within a city if it is situated within the incorporated area or within the established switching district of such city.

Issued this 19th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8102; Filed, August 19, 1942;
11:54 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 59 Under § 1499.3 (b) of the General
Maximum Price Regulation¹]

WEYERHAEUSER SALES COMPANY
MAXIMUM PRICES FOR SHIPMENT OF WOOD
CULVERT STAVES

The Weyerhaeuser Sales Company of Saint Paul, Minnesota, made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of proposed maximum prices for shipment of wood culvert staves. Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.* For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act

of 1942, and in accordance with Procedural Regulation No. 1² issued by the Office of Price Administration it is ordered:

§ 1499.273 *Approval of maximum prices for sale by Weyerhaeuser Sales Company of wood culvert staves.* (a) On and after August 20, 1942, the maximum price f. o. b. mill, at which the Weyerhaeuser Sales Company of Saint Paul, Minnesota, may sell wood culvert staves, constructed according to specifications set forth herein, shall be as follows:

Wood Culvert Staves

Description: Manufactured from Douglas Fir, White Fir, West Coast Hemlock, or Ponderosa Pine (commercially dry), Select Common or Better grade, sound and tight-knotted stock; nominal thickness and width of 2" x 4", nominal lengths 3', 4' and 6', for culverts with inside diameters of 8", 10", 12", 15", 18" and 24"; special tongue and groove on edges and shiplap ends edge worked and beveled for size of culvert to produce full bearing at joints staves marked so as to indicate size of culvert.

Price per hundred staves in quantities of 100 or more:

Length (feet):	Price
3	\$9.26
4	12.36
6	18.52

Customary discounts for cash to be maintained.

(b) This Order No. 59 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 59 (§ 1499.273) shall become effective August 20, 1942. (Pub. Law 421, 77th Cong.)

Issued this 19th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8106; Filed, August 19, 1942;
11:52 a. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 60 Under § 1499.3 (b) of the General
Maximum Price Regulation¹]

WEYERHAEUSER SALES COMPANY
MAXIMUM PRICES FOR WOOD FENCE POSTS

The Weyerhaeuser Sales Company of Saint Paul, Minnesota, made application under § 1499.3 (b) of the General Maximum Price Regulation for approval of proposed maximum prices for wood fence posts. Due consideration has been given to the application, and an opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1² issued by the Office of Price Administration it is ordered:

§ 1499.274 *Approval of maximum prices for sale by Weyerhaeuser Sales Company of wood fence posts.* (a) On and after August 20, 1942, the maximum price, f. o. b. mill, at which the Weyerhaeuser Sales Company of Saint Paul,

Minnesota, may sell wood fence posts, constructed according to specifications set forth herein, shall be as follows:

WOOD FENCE POSTS

Description: Manufactured from Douglas Fir lumber, Select merchantable grade; tapering from nominal thickness and width of 3" x 4" at top to nominal thickness and width of 2" x 3" at bottom; headed at top and pointed at bottom; incised at grade line; given toxic and water repellant treatment.

Price per unit in lots of 100 units or more:

Length:	Price
5' 6"-----	\$0.23
6'-----	.25
6' 6"-----	.27
7'-----	.29
8'-----	.33
9'-----	.37

Customary discounts for cash to be maintained.

(b) This Order No. 60 may be revoked or amended by the Price Administrator at any time.

(c) This Order No. 60 (§ 1499.274) shall become effective August 20, 1942. (Pub. Law 421, 77th Cong.)

Issued this 19th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8104; Filed, August 19, 1942;
11:51 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 61 Under § 1499.3 (b) of General
Maximum Price Regulation¹]

FABRICATED STRUCTURAL STEEL, ETC.

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register,* and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and § 1499.3 (b) of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.275 *Authorization to fabricators and sellers of fabricated structural steel shapes and fabricated steel plates and bars.* (a) Specific authorization is hereby given to any person who sells or contracts to sell on or after the effective date of this Order No. 61 fabricated structural steel shapes, fabricated steel plates and bars or the service of fabricating structural steel shapes, plates and bars, to determine the maximum price for any such sale or contract of sale where such prices cannot be established under § 1499.2 of the General Maximum Price Regulation, by the following formula: The maximum price for each such sale or contract of sale shall be a net price (after adjustment for all applicable extra charges, discounts or other allowances) not in excess of that at which such person would have made an identical sale or contract of sale during March 1942, under the pricing formula or method of calculating prices customarily used by him during March 1942, employing the same cost factors (wage rates, prices of materials and rate of overhead or burden) which were in ef-

*Copies may be obtained from OPA.

¹ 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5775, 5783, 5784, 6007, 6058, 6081, 6216.

² 7 F.R. 971, 3663.

fect for such person during March 1942, and the mark-up or margin above allowable costs which he would have included on an identical sale in March 1942, even though his costs or mark-ups or margins may have increased since that period.

(b) On or before the last day of each month beginning with September 30, 1942, each person shall report the prices of all sales or contracts of sale as described in paragraph (a) of this section priced under § 1499.3 (b) of the General Maximum Price Regulation during the preceding month or part thereof during which this order shall have been in effect and which total \$5000.00 or more, or which are part of, or necessary for, some other contract or contracts between the same parties totaling \$5000.00 or more. Such reports shall be submitted to the Office of Price Administration, Washington, D. C., upon, and in the detail required by, forms to be supplied. Each price so reported shall be subject to adjustment at any time by the Office of Price Administration.

(c) When used in this Order No. 61 the term "allowable costs" means those costs which may be properly computed in the formula established in paragraph (a) of this section.

(d) This Order No. 61 (§ 1499.275) shall become effective August 20, 1942. (Pub. Law 421, 77th Cong.)

Issued this 19th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8108; Filed, August 19, 1942;
11:54 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 19 Under § 1499.18 (c) of General Maximum Price Regulation]

WEST COAST LUMBERMEN'S ASSOCIATION

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.369 *Adjustment of maximum prices for sale of grading services, etc. by the West Coast Bureau of Lumber Grades and Inspection of the West Coast Lumbermen's Association.* (a) The maximum price for the sale by the West Coast Bureau of Lumber Grades and Inspection of the West Coast Lumbermen's Association, 364 Stuart Building, Seattle, Washington, of the services of grading, tallying, grade marking, inspecting or certifying grades and/or tallies of lumber or lumber products shall be a price computed on the pricing formula in use by this company in March 1942, and based upon cost and other factors at the March 1942 levels, except that the factor of labor cost may be based upon the wage rate which the said Bureau on June 1, 1942 agreed upon with its inspectors.

(b) All prayers of the application not granted herein are denied.

(c) This Order No. 19 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 19 (§ 1499.369) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 19 (§ 1499.369) shall become effective August 20, 1942.

(Pub. Law No. 421, 77th Cong.)

Issued this 19th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8107; Filed, August 19, 1942;
11:52 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 20 Under § 1499.18 (c) of General Maximum Price Regulation]

A. E. STALEY MFG. CO.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.370 *Adjustment of the maximum prices for sales of 12-ounce packages of laundry cube starch manufactured by A. E. Staley Manufacturing Company.* (a) All purchasers of 12-ounce packages of laundry cube starch from A. E. Staley Manufacturing Company, of Decatur, Illinois, who during March, 1942 sold the 16-ounce package of laundry cube starch manufactured by A. E. Staley Manufacturing Company, may sell and deliver and any person may buy and receive from such purchasers 12-ounce packages of laundry cube starch, manufactured by A. E. Staley Manufacturing Company, at a price equal to their maximum price as allowed under § 1499.2 of the General Maximum Price Regulation for 16-ounce packages of laundry cube starch, manufactured by A. E. Staley Manufacturing Company.

(b) The adjustment granted in paragraph (a) is subject to the following conditions:

(1) A. E. Staley Manufacturing Company shall notify each of its customers affected by this order of the modification of their maximum prices made by this order and shall accompany such notice with a copy of this order;

(2) No seller shall change his customary allowances, discounts or other price differentials, unless such change shall result in a lower price.

(c) All prayers of the application not granted herein are denied.

(d) This Order No. 20 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 20 (§ 1499.370) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 20 (§ 1499.370) shall become effective August 20, 1942. (Pub. Law No. 421, 77th Cong.)

Issued this 19th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8103; Filed, August 19, 1942;
11:48 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 1 Under § 1499.29 of General Maximum Price Regulation—Docket No. GF1-14-P]

Ferro Machine and Foundry Co.

On May 14, 1942, The Ferro Machine and Foundry Company, 3155 East 66th Street, Cleveland, Ohio, herein called the protestant, filed a protest against the provisions of the General Maximum Price Regulation, and on June 10, 1942, protestant filed a statement indicating the nature of the commodity for the price of which relief was requested and establishing that such commodity is a gray iron casting and is subject to the General Maximum Price Regulation. Thereafter, pursuant to an order providing protestant an opportunity to prevent further evidence issued June 30, 1942, protestant filed such further evidence with the Office of Price Administration on July 17, 1942. The protest has been considered as an application for adjustment under Supplementary Regulation No. 4, § 1499.29 of the General Maximum Price Regulation, and so considered, the application is hereby granted in part; insofar as the application has not been granted, the protest is denied.

An opinion in support of this order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.* For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration it is hereby ordered:

§ 1499.401 (a) *Adjustment of maximum prices for cylinder heads sold by the Ferro Machine and Foundry Company.*

(1) The Ferro Machine and Foundry Company, 3155 East 66th Street, Cleveland, Ohio, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, gray iron castings designated in its protest as Part No. 6107412 Cylinder Head, produced at its plant in Cleveland, Ohio, at a price not to exceed \$5.51 each, f. o. b. Cleveland, Ohio. The General Motors Truck and Coach Division of Yellow Truck and Coach Manufacturing Company, Pontiac, Michigan may buy and receive, and agree, offer, solicit and attempt to buy and receive such cylinder heads at such price from the Ferro Machine and Foundry Company.

(2) The price stated herein may be charged for shipments of such cylinder heads made on or after May 14, 1942.

(3) This order may be revoked or amended by the Price Administrator at any time.

(4) Unless the context otherwise requires, the definitions set forth in the General Maximum Price Regulation shall apply to the terms used herein.

(5) Paragraph (a) of this Order No. 1 (§ 1499.401) is hereby incorporated as a section of Supplementary Regulation No.

* Copies may be obtained from the Office of Price Administration.

14, which contains modifications of maximum prices established by § 1499.2.

(b) *Denial of Protest except insofar as relief is granted by this Order No. 1.*

(1) Insofar as relief has not been granted by this Order No. 1, the Protest is denied.

(c) This Order No. 1 (§ 1499.401) shall become effective August 20, 1942. (Pub. Law 421, 77th Cong.)

Issued this 19th day of August 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-8105; Filed, August 19, 1942;
11:52 a. m.]

Chapter XVII—Office of Civilian Defense

PART 1902—INSIGNIA

[Regulations 2—Amendment 1]

REPRODUCTION IN CONNECTION WITH PUBLICATION FOR POLITICAL PURPOSES

By virtue of the authority vested in me by Executive Order No. 8757 dated May 20, 1941, as amended by Executive Order No. 9134 dated April 15, 1942, and Executive Order No. 9088 dated March 6, 1942, and pursuant to the Act of June 29, 1932, as amended by the Act of May 22, 1939 and the Act of January 27, 1942, it is hereby ordered that § 1902.7¹ of this chapter (section 7 of Office of Civilian Defense Regulations No. 2) is amended by adding thereto a new subparagraph (c), to read as follows:

(c) The reproduction of prescribed insignia in connection with any publication or article used for political purposes is prohibited.

(E.O. 8757, 6 F.R. 2517; E.O. 9134, 7 F.R. 2887; E.O. 9088, 7 F.R. 1775; 42 Stat. 1286; 45 Stat. 437)

[SEAL]

JAMES M. LANDIS,
Director of Civilian Defense.

AUGUST 18, 1942.

[F. R. Doc. 42-8083; Filed, August 18, 1942;
3:15 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

PART 192—OIL AND GAS PERMITS AND LEASES

[Circular No. 1515]

EXCHANGE OF CERTAIN OUTSTANDING OIL AND GAS LEASES FOR NEW LEASES

Regulations governing Oil and Gas Exchange Leases under section 2 (a) of the act of August 21, 1935 (49 Stat. 674) superseding § 192.29 of Title 43 of the Code of Federal Regulations.

Sec.

192.86 Statutory authority.

192.87 Overriding royalties.

192.88 Lands in the vicinity of Naval Petroleum Reserves.

Sec.

192.89 Application for exchange.

192.90 Report by Geological Survey.

192.91 Action in General Land Office.

192.92 Bond.

192.93 Rental.

192.94 Exchange lease.

192.95 Applicability.

AUTHORITY: §§ 192.86 to 192.95, inclusive, issued under sec. 32, 41 Stat. 450; 30 U.S.C. 189.

§ 192.86 *Statutory authority.* Section 2 (a) of the Act of August 21, 1935 (49 Stat. 679; 30 U.S.C. 223a) provides for the issuance of new leases to lessees holding oil or gas leases under any of the provisions of the Act at the time the Act becomes effective, such new leases to be in lieu of the leases then held by such lessees and to be at a royalty rate of not less than 12½ percent in amount or value of the production, and upon such terms and conditions as the Secretary of the Interior shall by general rule prescribe, provided that no limitation of acreage not provided for under the law or regulations under which the old lease was issued shall be applicable to the new lease.

§ 192.87 *Overriding royalties.* Oil and gas exchange leases will not be issued unless overriding royalties are reduced to not more than 5 percent by agreement between the interested parties. An affidavit must be furnished by the applicant for the exchange lease showing that there will be no overriding royalties in excess of 5 percent outstanding under the lease, if issued, and that no other payments will be made out of production which constitute a burden upon lease operations prejudicial to the interests of the United States. If other payments are to be made out of production, a full showing relative thereto must be furnished.

§ 192.88 *Lands in the vicinity of Naval Petroleum Reserves.* No section 2 (a) exchange lease will be issued for lands within the known geologic structure of an oil and gas field comprising in whole or in part a naval petroleum reserve, or for lands within one mile of such a reserve where the limits of the structure cannot be reasonably determined, unless the applicant consents to the amendment of the drilling requirements under section 2 (c) of the lease form (4-208f) to read as follows:

Wells.—That, since the leased lands are adjacent to or near Naval Petroleum Reserve No. —, no additional wells shall be drilled nor shall any existing wells be deepened on the lands covered hereby: *Provided, however,* That additional wells necessary to protect the leased lands from drainage by wells drilled on adjoining lands not owned by the United States or on lands of the United States leased to others may be drilled upon the approval of the Secretary of the Interior. Should producing operations be suspended in the interest of conservation or for any other reason on adjoining lands the lessee further agrees upon the request of the Secretary of the Interior to suspend production on the leased lands for the period production is suspended on

the adjoining lands aforesaid, with the understanding that the term of the lease shall be extended by adding any such suspension period thereto.

and these restrictions shall not be waived or modified by the Secretary of the Interior without first affording the Navy Department an opportunity to express its views relative thereto.

§ 192.89 *Application for exchange.* The application for exchange lease should be filed in triplicate with the register of the land office for the district in which the leased lands are located or, if in a state in which there is no district land office, with the General Land Office. Such application should be made by the record title holder, or holders, of the lease and be joined in or consented to by the operator of record. It should be stated in the application that all moneys due the United States have been paid and that operations under the lease have been conducted in accordance with the regulations of the Department and that outstanding overriding royalty interests under the lease do not exceed 5 percent, exclusive of the royalty payable to the United States, and must be accompanied by the affidavit required under § 192.87. The register will forward one copy of the application to the supervisor of oil and gas operations, Geological Survey, for the district in which the lands are located.

§ 192.90 *Report by Geological Survey.* Upon receipt of the application for exchange the oil and gas supervisor will report to the Director of the Geological Survey as to the number and status of the wells drilled on the leasehold; the current rate of production if any; whether the lessee has made full compliance with the operating regulations of the Geological Survey and if not the respects in which the lessee has failed to make compliance; whether present or prospective operation of existing wells on the lease premises, if adjacent to or near a naval petroleum reserve, will result in drainage of the oil or gas deposits in the reserve; and whether the effect of such exchange would be to reduce the current royalty values more than 20 percent. Thereupon the Director of the Geological Survey will transmit a report to the Commissioner of the General Land Office with such recommendation as the facts may warrant.

§ 192.91 *Action in General Land Office.* The Commissioner of the General Land Office shall consider the application and report submitted by the Director of the Geological Survey.

(a) If no objection to the exchange of the lease appears to the Commissioner of the General Land Office, copies of an exchange lease in triplicate will be forwarded to the lessee through the Register for execution and return together with a satisfactory lease bond. The Commissioner of the General Land Office shall then make recommendation to the

¹ 7 F.R. 3242.

Secretary of the Interior and if the lease is executed by the Secretary, one copy thereof will be delivered to the lessee.

(b) If the effect of the exchange would be to reduce the current royalty values more than 20 percent, the Commissioner will prepare a letter to the Secretary of the Interior calling attention to this feature, with a complete showing of all other facts which might be of importance in determining whether an approval of the exchange would be to the advantage of the United States, and recommending authorization of the exchange lease, if such a recommendation is deemed warranted by the Commissioner. In this case bond and lease forms will not be prepared for transmittal to the lessee through the Register until such authorization is received from the Secretary of the Interior. Upon such authorization, copies of an exchange lease in triplicate will be forwarded to the lessee through the register for execution and return together with a satisfactory lease bond. Upon receipt of the lease forms and bond properly executed by the lessee, they will be submitted to the Secretary of the Interior, and if executed by him, one copy thereof will be delivered to the lessee.

§ 192.92 *Bond*. The applicant shall furnish and maintain a corporate surety lease bond of not less than \$5,000.

§ 192.93 *Rental*. Under the exchange lease the lessee shall pay an annual rental of \$1.00 per acre where all or a part of the leased lands are situated within the limits of a geologic structure of a producing oil or gas field as theretofore or thereafter defined by the Geological Survey, the rental for any one year to be credited against the royalty accruing for that year, provided (a) that such rental may be reduced in the discretion of the Secretary of the Interior to a minimum of not less than 25 cents per acre where a satisfactory showing is made that the lease cannot be operated at the higher rental herein prescribed, and (b) that prior to a valuable discovery of oil or gas within the limits of the geologic structure upon which all or a part of the leased lands are situated, the rental shall be 25 cents per acre.

§ 192.94 *Exchange lease*. The exchange lease will be executed on form 4-208f, bear current date, and will run for a period of 10 years and so long thereafter as oil and gas are produced in paying quantities. Two or more outstanding leases may be combined into a single lease where held in common ownership and the lands are sufficiently compact to justify their inclusion in one lease. Except as otherwise provided in §§ 192.86-192.93 the form of exchange lease contains substantially the same terms and conditions as the form of oil and gas lease prescribed for leases granted under

the amendatory act of August 21, 1935, contained in § 192.28.

§ 192.95 *Applicability*. §§ 192.86-192.94 shall be effective as to all applications heretofore or hereafter filed for the exchange of leases, and supersede the general instructions contained in § 192.29.

FRED W. JOHNSON,
Commissioner.

I concur:

W. C. MENDENHALL,
Director, Geological Survey.

Approved: August 3, 1942.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-8089; Filed, August 11, 1942;
9:53 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

[General Order No. 19]

PART 301—GENERAL REGULATIONS ASSIGNMENT OF CADETS ON MERCHANT VESSELS

Instructions to all operators of merchant vessels under the control of the War Shipping Administration, including those registered under Panamanian and Honduran flags.

§ 301.3 *Assignment of two Cadets on each merchant ship registered under the Flags of the United States, Panama or Honduras*. (a) Operators of all merchant vessels registered under the Flags of the United States, Panama and Honduras, which are owned, chartered or controlled by the War Shipping Administration, are hereby directed to include in the crew of each of such vessels, at least two Cadets assigned to them by the Supervisor of Cadet Training of the Division of Training of the War Shipping Administration for training purposes.

(b) The status, wages, messing and training schedules of Cadets so assigned shall be as prescribed in "Emergency Regulations Governing the Appointment and Training of Cadets" approved by the Maritime Commission on January 8, 1942, as amended by decisions of the Maritime War Emergency Board.

(c) The extra expenses resulting from compliance with this order, in case of time chartered vessels, will be handled pursuant to Clause 7, "Warship time", "Warshipolltime". (E.O. 9054, 7 F.R. 837)

By order of the War Shipping Administrator.

[SEAL]

W. C. PEET, Jr.,
Secretary.

AUGUST 17, 1942.

[F. R. Doc. 42-8092; Filed, August 19, 1942;
10:44 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

General Land Office.

[Public Land Order 25]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEFENSE PLANT CORPORATION IN CON- NECTION WITH THE CONSTRUCTION AND OPERATION OF A SCHOOL FOR TRAINING AIRCRAFT PILOTS

By virtue of the authority vested in the President and pursuant to Executive Order No. 9146 of April 24, 1942,¹ it is ordered as follows:

The following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved, subject to valid existing rights, for the use of the Defense Plant Corporation in connection with the construction and operation of a flying school near Blythe, California, for the training of aircraft pilots for the Government:

SAN BERNARDINO MICHIAN

T. 6 S., R. 22 E., sec. 2, W $\frac{1}{2}$ SE $\frac{1}{4}$; containing
89 acres.

This order shall take precedence over, but shall not rescind or revoke, the temporary withdrawal for classification and other purposes made by Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

HAROLD L. ICKES,
Secretary of the Interior.

AUGUST 12, 1942.

[F. R. Doc. 42-8093; Filed, August 19, 1942;
9:53 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SA-70]

INVESTIGATION OF ACCIDENT OCCURRING NEAR DANVILLE, ILL.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC 38581 and NC 29663, which occurred near Danville, Illinois, on August 13, 1942.

Notice is hereby given that a public hearing in the above-entitled matter will be held on Friday, August 21, 1942, at

¹7 F.R. 3057.

9:30 a. m. (C. W. T.) at the Welford Hotel, Danville, Illinois.

Dated: Washington, D. C., August 18, 1942.

W. K. ANDREWS, Jr.,
Presiding Officer.

[F. R. Doc. 42-8091; Filed, August 19, 1942;
10:32 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order No. 66]

500 SHARES OF THE CAPITAL STOCK OF THE KORFUND CO., INC., AND CERTAIN INDEBTEDNESS OWING BY IT

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

500 shares of no par value common capital stock of The Korfund Co., Inc., a New York corporation, the names and last known addresses of the owners of which, and the number of shares owned by them respectively, are as follows:

Names and last known addresses:	Number of shares
Dr. Hugo Stoessel, Berlin-Heinersdorf, Germany.....	250
Werner Genest, Lindenstrasse 13, Berlin, Germany.....	250
Total.....	500

is property of nationals, and represents an interest in a business enterprise within the United States which is a national, of a designated enemy country (Germany); and

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of the aforesaid Dr. Hugo Stoessel and Werner Genest, and each of them, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to them, or either of them, by said The Korfund Co., Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by nationals of an enemy country, and also is property within the United States owned or controlled by nationals of a designated enemy country (Germany), and determining that the property described in this subparagraph (b) is necessary for the maintenance or safeguarding of other property [namely, that hereinbefore described in subparagraph (a)] belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

and determining that to the extent that any or all of such nationals are persons

not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests all such property, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C. on July 28, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-8095; Filed, August 17, 1942;
10:38 a. m.]

[Vesting Order No. 67]

150 SHARES OF THE CAPITAL STOCK OF CORK FOUNDATION CO., INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

150 shares of no par value common capital stock of Cork Foundation Co., Inc., a New York corporation, the names and last known addresses of the owners, of which, and the number of shares owned by them respectively, are as follows:

Names and last known addresses:	Number of shares
Dr. Hugo Stoessel, Berlin-Heinersdorf, Germany.....	75
Werner Genest, Lindenstrasse 13, Berlin, Germany.....	75
Total.....	150

is property of nationals, and represents an interest in a business enterprise within the United States which is a national, of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C., on July 28, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-8098; Filed, August 17, 1942;
10:39 a. m.]

[Vesting Order No. 86]

ESTATE OF HENRY ELIAS, DECEASED

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended,¹ and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest of Katie von Kracker, sometimes known as Katie Kracker von Schwartzfeld, as life tenant, and of Hubertus Kracker von Schwartzfeld, Erlka Kracker von Schwartzfeld, Edith von Bauer and Maria (Marie) Kracker von Schwartzfeld, now known as Frau Hans S'aubenmayer, as remaindermen, the last known addresses of all of whom were rep-

¹ 7 F.R. 5205.

resented to the undersigned as being in Germany, in and to the trust created under and by the last will and testament of Henry Elias, deceased, which trust is in the process of administration by William J. Elias as sole surviving substituted trustee under the supervision of the Surrogate's Court in the County of New York, State of New York,

is property which is payable or deliverable to, or claimed by, nationals of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Germany) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C., on July 31, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-8096; Filed, August 17, 1942;
10:38 a. m.]

[Vesting Order No. 89]

245 SHARES OF THE CAPITAL STOCK OF R. A. C. E., INCORPORATED

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹⁷

and pursuant to law, the undersigned, after investigation, finding:

(a) That the property described as follows:

245 shares of the common capital stock of R. A. C. E., Incorporated, an Ohio corporation, belonging to Leonardo Cerini, whose last known address was represented to the undersigned as being Castellanza, Italy,

is property of, and represents control of a business enterprise within the United States which is, a national of a designated enemy country (Italy),

(b) That the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of the aforesaid Leonardo Cerini in and to all indebtedness, contingent or otherwise and whether or not matured, owing to him by said R. A. C. E., Incorporated, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by a national of an enemy country, and also is property within the United States owned or controlled by a national of a designated enemy country (Italy), and determining that the property described in this sub-paragraph (b) is necessary for the maintenance or safeguarding of other property [namely, that hereinafter described in sub-paragraph (a)] belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

and determining that to the extent that either or both of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Italy) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date

hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C., on July 31, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-8097; Filed, August 17, 1942;
10:33 a. m.]

[Vesting Order No. 93]

INTERESTS OF PARTNERS IN KIYONO NURSERIES

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹⁷ and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest of Tsukusa Kiyono and Mrs. Tomoe Kiyono, and each of them, the last known addresses of both of whom were represented to the undersigned as being in Tokyo, Japan, as copartners in and to Kiyono Nurseries, an Alabama partnership, located at Semmes (R. F. D., Crichton P. O.), Alabama,

is property of nationals, and represents ownership of a business enterprise within the United States which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country such persons are controlled by or acting for or on behalf of or as cloaks for a designated enemy country (Japan) or a person within such country, and the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may

¹⁷ F.R. 5205.

¹⁷ F.R. 5205.

file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C. on August 6, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-8099; Filed, August 17, 1942;
10:39 a. m.]

[Vesting Order No. 97]

82 SHARES OF THE CAPITAL STOCK OF G.
BRUNING TOBACCO EXTRACT CO., INC.

Under the authority of the Trading with the enemy Act, as amended, and Executive Order No. 9095, as amended,¹

¹ 7 F.R. 5205.

and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

82 shares of the common capital stock of G. Bruning Tobacco Extract Co., Inc., a Virginia corporation, which is a business enterprise within the United States, owned by the Estate of Mrs. G. Schilling, Bremen, Germany,

is property of, and represents an interest in said business enterprise which is, a national of a designated enemy country (Germany), and determining that to the extent that either or both of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian.

This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national," "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C. on August 6, 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-8100; Filed, August 17, 1942;
10:40 a. m.]